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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|--------------------|
| 10/615,597 | 07/09/2003 | Henry Muller | Q76478 | 8281 |
| 23373 | 7590 | 03/03/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | | ROSENBERG, LAURA B |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3616 |

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|------------------------|-------------------|---------------------|-----------------|
| Application No. | 10/615,597 | Applicant(s) | |
| | MULLER ET AL. | Examiner | Art Unit |

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/28/04</u> | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

1. The preliminary amendment filed on 28 May 2004, in which claims 3-9, 11, 12, 14-16, 20, 22, and 23 were amended, has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the contents of claims 8, 11-16, and 20-23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1, 11, 15-17, and 22 are objected to because of the following informalities:

"the airbag" should be changed to --an airbag-- (claims 1, 17, line 3);

"the third layer" should be changed to --a third layer-- (claim 11, line 2);

"the weakening of the first layer" should be changed to --a weakening of the first layer-- (claim 15, lines 2-3; claim 16, line 3);

"the weakening" should be changed to --a weakening-- (claim 22, line 2).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 14-16, the phrases "wavelike" and "wave-like" render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by " like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 7, 9-13, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sommer (2002/0130497A1). Sommer discloses:

- Airbag cover (#16)
- First layer (#26) made of plastic material and having a weakening (at #30)
- Second layer (#50) having a weakened region (at #52) formed by a recess (#52)
- Third layer (#40) composed of foamed material and having a weakened region (at #52)
- Third layer (#40) provided with a reinforcing strip (#50), alternatively second layer (#50) provided with a reinforcing strip (#40)
- Run of weakened region of second layer (at #52; best seen in figure 3) is only partially identical with run of weakening of first layer (at #30; best seen in figure 4)
- First and second layers are punched to formed weakening/weakened region (best seen in figure 5; paragraphs 0024-0028)

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- First layer is provided with a weakening before the second layer is attached
(paragraph 0028)

8. Claims 1, 8, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes et al (5,390,950). Barnes et al. disclose:

- Airbag cover (including #4)
- First layer (#14)
- Second layer (#12) having a weakened region (at #21) including an electrically conductive element (#11) through which an electric current can pass (columns 3-5)

9. Claims 1, 8, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer (5,496,059). Bauer discloses:

- Airbag cover (#12)
- First layer (#16)
- Second layer (#20) having a weakened region (at #34) including an electrically conductive element (including #44, 54) through which an electric current can pass (column 4)

10. Claims 1, 11-13, 15, 17, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueno et al. (6,440,514). Ueno et al. disclose:

- Airbag cover (#18)
- First layer (#13) having a weakening (at #24)

- Second layer (#11) having a weakened region (at #22)
- Reinforcing strip (including #14, 15)
- Run of weakened region of second layer (at #22) is not identical with run of weakening of first layer (at #24; best seen in reduced plan view in figure 11C)
- Weakened region of second layer (at #22) extends linearly (dotted lines in figure 11C), and weakening of first layer (at #24) extends in a wave-like or zigzag manner (connecting the dots of #24 would form a wave-line or zigzag pattern)
- First layer provided with weakening before second layer is attached (best seen in figure 8)

11. Claims 1, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutze et al. (6,224,090). Lutze et al. disclose:

- Airbag cover (including #3)
- First layer (top layer in figure 4)
- Second layer (middle layer in figure 4) having a weakened region (line-shaped weakening; best seen in figures 1a-1f, 2)
- Reinforcing strip (bottom layer in figure 4)
- Weakened region of second layer extends in a wave-like or zigzag manner (best seen in figures 1a-1f, 2, 3) and a weakening of first layer (at #10) extends linearly (best seen in figures 3, 4)

12. Claims 1, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brodi, Jr. et al. (6,247,722). Brodi, Jr. et al. disclose:

- Airbag cover (#20)
- First layer (#30) having a weakening (at #40)
- Second layer (#28) having a weakened region (at #40)
- Weakened region/weakening both extend in a wavelike or zigzag manner (in the event that the depressions #40 extend through both layers, they have the same pattern as shown in figure 2 as formed by mold in figure 4; column 4, lines 44-47; column 5, lines 54-60; column 6, lines 21-26)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aichner et al. (6,231,940) in view of Sommer (2002/0130497A1). Aichner et al. disclose:

- Trim panel cover (#1)
- First layer (#4) made of leather

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- Second layer (#3) made of knitted textile spacer fabric including a fiber system, such as a monofilament yarn (column 6), and attached to the first layer by an adhesive method (including adhesive #6)

Aichner et al. do not disclose the trim panel cover being used as an airbag cover. Sommer teaches an airbag cover (#16), similar to the trim panel cover of Aichner et al., for an airbag assembly including a weakened region (at #30, 52) in all the layers (#26, 40, 50) of the cover. It would have been obvious to one skilled in the art at the time that the invention was made to modify the trim panel cover of Aichner et al. such that it comprised an airbag cover as claimed in view of the teachings of Sommer so as to provide a deployment opening for an airbag system, thus providing a safer environment in crash situations and a visually appealing cover for the airbag device.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Labrie et al. and Gray et al. each disclose an airbag cover with three layers. Foltz, Beusterien et al., Lenzen et al., and Bauer et al. ('106) each disclose an airbag cover including a weakened region with an electrically conductive element.

Baba et al., Rahmstorf et al., and Florsheimer each disclose an airbag cover including a wave-like or zigzag pattern of a weakened region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beginning April 7, 2005, Laura B Rosenberg can be reached at the new USPTO location at (571) 272-6674, and Paul Dickson can be reached at (571) 272-6669.


Laura B Rosenberg
Patent Examiner
Art Unit 3616

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